REMARKS

Reconsideration and allowance in view of the following remarks are respectfully requested. Specifically, favorable consideration of pending Claims 1-54 is respectfully requested.

THE APPLICANT'S RESPONSE TO THE "RESPONSE TO ARGUMENTS"

Beginning on page 2 of the outstanding Office Action, the Examiner disagrees with the arguments that the Applicant submitted in the Response of August 2, 2003 to distinguish the claimed invention over the cited references. In turn, the Applicant respectfully disagrees with the "response to arguments."

In particular, the Applicant respectfully submits that **Claim 40** is not taught by the coupling of search module 24 to storage module 22 in combination with feature extraction module 21 of Marchisio (U.S. Patent 6,510,406), as asserted in the "response to arguments." Fig. 2 of Marchisio shows search module 24 accessing storage module 22, but the content of storage module 22 includes the content of documents 27 that has already been reduced by feature extraction module 21 and concept synchronizer 28 into a term-document matrix or query vector. This is not the same arrangement as in Claim 40, which recites:

> a crawler module coupled to access a media content source and collect a plurality of media content pieces and associated text from the media content source;
>
> a feature extraction module coupled to extract one or more text features from one of the media content pieces; and
>
> a media content indexing module coupled to generate a text feature vector, based on the extracted

one or more text features, corresponding to the one media content piece.

Alternatively, Fig. 2 of Marchisio shows feature extraction module 21 being included within search module 24, and producing the term-document matrix or query vector from features extracted from client graphical user interfaces (GUI) 25. The term-document matrix or query vector is then input to search engine 23. Search engine 23 then outputs to either storage module 22 or back to client GUI 25.

As surmised by the above descriptions, even taking into account the semantic interpreter of Fig. 12 of Marchisio, which is referenced in the "response to arguments," the arrangement shown and described by Marchisio is not the same arrangement as Claim 40. This is an important distinction because, to support the rejection of Claim 40 under 35 U.S.C. §102(e), Marchisio must teach the claimed elements arranged in the same manner. Specifically, MPEP §2131 cites the following case law to support the standard for such a rejection:

> "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

With regard to **Claims 1, 41,** and **48-50,** which were rejected under 35 U.S.C. §103(a) over Marchisio and Hoffert et al. (U.S. Patent 6,282,549; hereafter "Hoffert"), the Examiner respectfully disagreed with the Applicant's previously submitted arguments that Marchisio does not teach "the text feature

vector associated with the plurality of media content pieces...comparing the query vector to text features associated with the plurality of media content pieces."

The Applicant notes that on pages 4, 6, 10, and 11 of the previous Office Action dated June 2, 2003, it is <u>acknowledged</u> that "Marchsio...does not explicitly disclose 'the text feature vectors associated with the plurality of media content pieces'." <u>The same acknowledgement is also made on pages 6, 8, 12 and 15 of the present Office Action.</u> In the Response of August 2, 2003, the Applicant's argument merely stated the logical conclusion of the acknowledged deficiency that, "the reference does not teach 'identifying media content pieces to be rendered by comparing the query vector to text features associated with the plurality of media content pieces'," as recited in Claim 1, since the acknowledged absence of the text feature vectors precludes <u>any</u> comparison thereto.

Presently, however, on page 3, lines 8 and 9 of the outstanding Office Action, the "response to arguments" <u>contradicts</u> the previous rejection by stating, "Marchisio teaches the text feature associated with the plurality of media content pieces as discussed above." The Applicant respectfully submits that the Examiner has presented conflicting interpretations of the applied reference, and the Applicant cannot respond appropriately until clarification has been made on the record. Therefore, the Applicant defers responding to the Examiner's counter-arguments regarding the previous rejection of Claims 1-39, and 41-50 under 35 U.S.C. §103(a) over Marchisio in view of Hoffert. Further, if the interpretation stated in the "response to arguments" is maintained, then the

rejection should be viewed as including new grounds and, accordingly, the finality of the rejection should be withdrawn.

With regard to the Examiner's disagreement with the Applicant's previous argument that Marchisio does not teach or suggest "receiving user feedback regarding the relevance of the identified media content pieces," in Claim 1 for example, it is noted that such feature is recited by "identifying media content pieces to be rendered by comparing the query vector to text feature vectors associated with a plurality of media content pieces." Thus, as stated above by the Applicant, in view of the acknowledged deficiency that, "the reference does not teach 'identifying media content pieces to be rendered by comparing the query vector to text features associated with the plurality of media content pieces'," the Applicant submits that the query vector is precluded from being compared to text feature vectors. Thus, Marchisio is <u>unable</u> to teach the relevance feedback as newly asserted in the "response to arguments." Again, however, if the Examiner is now asserting that the text features are taught by Marchisio, the Applicant respectfully submits that the rejection should be viewed as including new grounds and, accordingly, the finality of the rejection should be withdrawn.

With regard to **Claims 51-53**, which were previously rejected under 35 U.S.C. §103(a) over Marchisio in view of Ma et al. (U.S. Patent 6,347,313), the Applicant respectfully disagrees with the assertion in the "response to arguments" that Marchisio teaches the user feedback as recited in independent Claim 51.

As acknowledged in both the previous and outstanding Office Action, Marchisio does not teach the feature vector, which is compared with the query vector to identify a piece of media content. The user feedback is received with regard to the relevancy of the piece of media content. Thus, in view of the acknowledged lack of teaching regarding the feature vector, the identified media content, as recited in Claim 51, is not taught or suggested by Marchisio. However, if the Examiner newly contends that the feature vector is taught by Marchisio, the Applicant respectfully submits that the rejection should be viewed as including new grounds and, accordingly, the finality of the rejection should be withdrawn.

THE REJECTION OF CLAIM 40 UNDER 35 U.S.C.§102(e)

Claim 40 was rejected under 35 U.S.C. §102(e) as being unpatentable over Marchisio (U.S. Patent 6,510,406). The Applicant respectfully traverses this rejection for the reasons submitted in the Response of August 2, 2003, and in further view of the reasons provided above to rebut the Examiner's "response to arguments." Further, the Applicant respectfully requests that this rejection be reconsidered and withdrawn.

THE REJECTION OF CLAIMS 1-39 AND 41-50 UNDER 35 U.S.C.§103(a)

Claims 1-39 and 41-50 were rejected under 35 U.S.C. §103(a) as being unpatentable over Marchisio in view of Hoffert et al. (U.S. Patent 6,383,549; hereafter "Hoffert"). The Applicant respectfully traverses this rejection for the reasons submitted in the Response of August 2, 2003, and in further view of the

reasons provided above to rebut the Examiner's "response to arguments." Further, the Applicant respectfully requests that this rejection be reconsidered and withdrawn.

THE REJECTION OF CLAIMS 51-53 UNDER 35 U.S.C.§103(a)

Claims 51-53 were rejected under 35 U.S.C. §103(a) as being unpatentable over Marchisio in view of Ma et al. (U.S. Patent 6,347,313; hereafter "Ma"). The Applicant respectfully traverses this rejection for the reasons submitted in the Response of August 2, 2003, and in further view of the reasons provided above to rebut the Examiner's "response to arguments." Further, the Applicant respectfully requests that this rejection be reconsidered and withdrawn.

The Rejection of Claim 54 Under 35 U.S.C.§103(a)

Claim 54 was rejected under 35 U.S.C. §103(a) as being unpatentable over Marchisio in view of Ma and further in view of Hoffert. The Applicant respectfully traverses this rejection for the reasons submitted in the Response of August 2, 2003, and in further view of the reasons provided above to rebut the Examiner's "response to arguments" with regard to Claim 51, since Claim 54 depends from Claim 51. Further, the Applicant respectfully requests that this rejection be reconsidered and withdrawn.
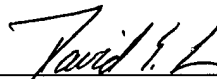
CONCLUSION

All objections and rejections having been addressed, it is respectfully submitted that the present application is now in condition for allowance. Early and forthright issuance of a Notice of Allowability is respectfully requested.

Respectfully Submitted,

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